

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KEITH CLEMMONS, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. H-06-0587
	§	
JOSEPH "BUBBA" BUTERA, <i>et al.</i> ,	§	
	§	
Defendants.	§	

ORDER

Plaintiffs have moved for a thirty-day extension of the deadlines in the docket control and scheduling order. (Docket Entry No. 18). Defendants do not oppose extending the deadlines for designating experts and providing reports and subsequent deadlines. Defendants do oppose extending the deadline for filing a motion to certify the case as a collective action under the FLSA and to issue notice.

Defendants point out that the plaintiffs did not ask for an extension until the night before that deadline expired. The plaintiffs assert, and the correspondence the parties have submitted confirmed, that the need for the extension arose when the lawyer handling this case left the firm, a "few weeks" before the deadline for filing the certification and notice motion. The defendants argue that the plaintiffs should not have waited so long to ask for the extension and that the plaintiffs' law firm has enough lawyers to handle the work created by one lawyer's departure.

The correspondence shows the particular problem presented by the departure of the lawyer previously handling this case for the plaintiffs: he was the only lawyer at the firm handling “this sort of case.” The description of the plaintiffs’ firm’s work provided by defense counsel does not list FLSA or employment cases. This court finds good cause to extend the deadlines by thirty days to allow plaintiffs’ counsel to associate additional counsel or refer this case to other counsel who can handle the case.

The attached amended scheduling and docket control order is entered. The motion for oral hearing, (Docket Entry No. 17), is denied.

Plaintiffs filed objections to defendants’ first request for production of documents, which the defendants have moved to strike. (Docket Entry No. 16). Plaintiffs filed no response to the motion to strike. A review of the pleadings and the motion to strike shows that the plaintiffs’ objections to the document requests are without merit. The motion to strike is granted. The documents sought in the production request must be produced to counsel for defendants no later than **December 2, 2006**.

SIGNED on November 3, 2006, at Houston, Texas.



Lee H. Rosenthal
United States District Judge